



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

MAR 17 2009

CERTIFIED MAIL

Bernard Brown
President
Vineland Construction Company
71 West Park Avenue
Vineland, New Jersey 08360

RE: Access Agreement

Dear Mr. Brown:

The U.S. Environmental Protection Agency (EPA) is conducting remedial investigation activities at the Diamond Head Oil Superfund Site (the site), located at 1401 Harrison Avenue, Kearny, New Jersey. The objective of this investigation is to determine whether the site has contaminated soil, groundwater, and sediment beyond its physical boundaries.

Vineland Construction Company owns a property comprised of Block 285, lot 1.01, in Kearny, New Jersey, which is adjacent to the site. Therefore, EPA has determined that access to this property is needed to continue this CERCLA response action.

The purpose of this letter is to secure access to such property. Enclosed please find an Access Agreement for your signature. I have also enclosed a fact sheet regarding the Site for your information.

Please sign and return the enclosed Access Agreement on or before March 30, 2009.

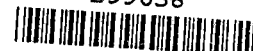
If you would like any further information regarding the status of any other activities at this Site, please feel free to contact me at (212) 637-4430. Inquiries of a legal nature should be directed to Clay Monroe at 212-637-3142. Thank you for your prompt attention to this matter.

Sincerely yours,

Grisell V. Díaz-Cotto
Remedial Project Manager
Central New Jersey Remediation Section

Enclosures

299638



CONSENT TO ACCESS

The purpose of this Consent to Access is for the U.S. Environmental Protection Agency (EPA) to obtain consent to access Vineland Construction Company's property comprised of Block 285, lot 1.01, in Kearny, New Jersey (the "Property").

I understand that the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601 et seq., as amended ("CERCLA"), authorizes EPA, its officers, employees, and representatives to enter, inspect, and obtain samples at any property where entry is needed to determine the need for a response action, to determine the appropriate response action, or to effect a response action pursuant to CERCLA.

By executing this Consent to Access, I hereby authorize employees, agents, contractors and subcontractors of EPA to enter onto and move about all areas of the Property for the purposes stated in the preceding paragraph. I understand that the work that will be performed at the Property may include the following activities:

- geophysical investigations,
- collection of surface soil, subsurface soil, and sediment samples,
- installation of monitoring wells,
- collection of surface and groundwater samples,
- collection of air samples, and
- any other miscellaneous tasks USEPA determines are necessary to conduct its investigation.

I agree and acknowledge that it is Vineland Construction Company's intent to bind any successors and assigns to all aspects of this Agreement.

I understand that, consistent with the activities described herein, USEPA or its representatives may dispose of any structures, fixtures/appurtenances, and/or personal property which remain on the property listed above, except as otherwise designated by the USEPA in writing.

I understand that EPA intends to make every effort to avoid or minimize any disturbance or inconvenience which may be caused by the activities listed above, including taking the necessary steps to restore any ground surfaces to their previous condition(s), should that be deemed necessary.

This written permission is given by me voluntarily, on behalf of Vineland Construction Company, with knowledge of Vineland Construction Company's right to refuse and without threats or promises of any kind.

This Agreement is to take effect on the date it is executed.

Signature

Date

Name (Printed)

Title

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CONCURRENCES

Name:	Init:	Date:	Filename:
Symbol	CNJRS		
Surname	G. Díaz-Cotto		
Date	3/17/09		

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Signature

Date

Name (Printed)

Title

Diamond Head Oil

New Jersey

EPA ID#: NJD092226000

EPA REGION 2

Congressional District(s): 13

Hudson

Kearny

NPL LISTING HISTORY

Proposed Date: 7/27/2000

Final Date: 9/5/2002

Site Description

The Diamond Head Oil site is located at 1401 Harrison Avenue in Kearny, New Jersey. The site, an oil reprocessing facility, was in operation from February 1, 1946 to early 1979. Currently the site is inactive and consists of approximately 15 acres of vacant land. The site is comprised of wetland areas and drainage ditches, a small wetland/pond, a vegetated landfill area along the western border of the site, and remnants of the former Diamond Head Oil Refinery on the eastern portion of the site. During facility operations, two above-ground storage tanks and possibly underground pits were used to store oily wastes. These wastes were intermittently discharged directly to adjacent properties, including the wetland area to the south of the site, creating an "oil lake". The abandoned refinery portion of the site contains various construction debris, including foundations of the former on-site building and also of two former above-ground storage tanks.

The New Jersey Department of Transportation (NJDOT) acquired the property south of the site in 1968. In 1977, NJDOT began construction of Interstate 280 and was reported to have removed nine million gallons of oil-contaminated water and five to six million cubic yards of oily sludge from the "lake". In addition, approximately 7,500 gallons of material were pumped out of the tanks and disposed of off site. Twenty-seven tons of contaminated soil were also removed in 1982.

Site Responsibility: This site is being addressed through Federal actions

Threat and Contaminants

The material in the former above-ground tanks was analyzed and found to contain polychlorinated biphenyls (PCBs) at a concentration of up to 206 parts per million (ppm). Subsequent analyses revealed the presence of PCBs at concentrations over 3,100 ppm. Analytical results from further sampling events where ground water, surface water/sediment, surface/subsurface soil, liquid waste and solid waste samples were collected, indicated the presence of volatile and semi-volatile organic compounds, pesticides, PCBs, and metals. At one time an "oil lake" was present over portions of the site, and remnants of this release are still evident in site samples.

The site includes a landfill mound that appears to contain concrete and other construction debris. Further investigations of this landfill will better understand its contents.

Cleanup Approach

The site is being addressed through a long-term remedial phase directed at cleanup of the entire site.

Response Action Status

The site is fenced and abandoned, and early investigations did not identify a need for any short-term response actions beyond preventing access. As part of the Remedial Investigation for the site, which started in 2002, extensive sampling is being conducted to characterize the site, including the potential for off-site migration.

The Remedial Investigation/Feasibility Study is being performed in two phases. The completed Phase 1 remedial investigation was performed to obtain information in areas where there was currently no information on site contamination, including soil, sediment surface water and groundwater sampling. The results of the Phase 1 investigation were used to define the objectives and scope of the Phase 2 investigation, where additional soil, groundwater quality, geologic, and hydrogeologic data would be collected within the property boundaries of the site as well as beyond the site's current property boundaries.

Cleanup Progress

EPA is at present conducting the Remedial Investigation/Feasibility Study. The results of the investigation will be used by EPA to plan final remedies for the site.

Site Repositories

290 Broadway, 18th Floor, New York, NY 10007-1866